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August 19, 2022

*Smith et al. v. Annucci et al.*  
1:21-cv-01715-RA [rel. 1:17-cv-07954-RA-OTW]

Dear Judge Wang:

We write regarding this Court's August 16, 2022 Order setting the deadline for completing fact discovery to October 18, 2022. (ECF No. 152.) Although Plaintiffs initiated this action a year and a half ago, discovery has only recently begun in earnest. Defendants did not complete their representational analysis until January 12, 2022 (ECF No. 123), and Defendants did not begin producing "a substantial volume of responsive materials" until May 2022 (ECF No. 142). Defendants have not produced any documents since the parties last status letter on July 29, 2022 (ECF No. 150). Although Defendants have collected and are now reviewing ESI responsive to Plaintiffs' requests, they have not yet produced any ESI to Plaintiffs. Moreover, because document productions are still in process, the parties have not yet started taking depositions.

Given the current status of fact discovery, the parties respectfully seek an adjournment of the current fact discovery deadline of October 18, 2022. Defendants have committed to completing document production responsive to Plaintiffs' first set of document requests by October 1, 2022, and, with Your Honor's consent, the parties hope to begin depositions as soon as practicable once those productions are complete. The parties thus respectfully request that the Court postpone setting a deadline for completion of fact discovery until the upcoming October 18 status conference.

Respectfully,

/s/ David M. Stuart

David M. Stuart  
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/s/ Andrew Blancato

Andrew Blancato  
Attorney for Defendants

The Honorable Ona T. Wang  
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VIA CM/ECF